THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.18735 of 1997

Dated: 22.01.2007

Between:

Siddanti Samudralu S/o Peda Appanna
R/o Pankalayapeta village, H/o Edulapaka
Bonangi village, Paravada Mandal,
Visakhapatnam and others.

..... PETITIONERS

AND

The Special Deputy Tahsildar (Land Acquisition)
APIIC, Visakhapatnam and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.18735 of 1997

ORDER:

This writ petition is filed by the petitioners seeking a writ or direction more particularly one in the nature of writ of mandamus directing the Special Deputy Tahsildar (Land Acquisition) APIIC., Visakhapatnam-first respondent herein, to refer the matter to the civil court under Sections 18 and 30 of the Land Acquisition Act, 1894 (for short "the Act") in respect of the land bearing Sy.Nos.10/1, 10/3 and 14/1 in patta No.16 admeasuring Ac.0.19 cents situated at Edulapaka Bonangi village, Paravada Mandal, Visakhapatnam District.

Petitioners claim to be the cultivating tenants of the said land belonging to the second respondent-Bendapudi Gowrikantamma. While so, notification under Section 4(1) of the Act was issued proposing to

acquire the said land for the purpose of setting up a petro chemical complex. They allege that on 22.06.1996 the first respondent issued notices under Sections 9(3) and 10 of the Act to the second respondent. When the first respondent tried to pay compensation to the second respondent, without issuing any notice to them and thereby defeating their rights, petitioners got issued a notice dated 08.12.1995 to the District Collector, Visakhapatnam, and also to the first respondent, claiming compensation. However, neither their claim was considered nor the matter was referred to the civil court under Sections 18 and 30 of the Act. Hence, this writ petition.

The first respondent filed a counter affidavit stating that petitioners have no right to claim any compensation and on the other hand, the second respondent is only entitled for the compensation, and therefore, this writ petition is liable to be dismissed.

The second respondent died and his legal representatives came on record. The learned counsel appearing on behalf of the legal representatives of the second respondent submitted that the matter was referred to the civil Court under Section 30 of the Act and the same is pending before the X Additional District Court (Fast Track Court) at Anakapalle.

In the light of the said submission, no orders need be passed in this writ petition.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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22.01.2007

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